

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTHONY D. JONES,

Plaintiff,

v.

Case No. 15-12898
Hon. Mark A. Goldsmith

BRIAN GAGNIUK,

Defendant.

ORDER DENYING MOTIONS TO GRANT CLAIM AND FOR DISCOVERY

Before the Court is Plaintiff Anthony D. Jones' "Motion to Grant Plaintiff Lawsuit Claim" (Dkt. 11) and his "Motion for Discovery" (Dkt. 12) concerning his pro se civil rights complaint brought pursuant to 42 U.S.C. § 1983. In his complaint, Plaintiff alleges that Defendant, his criminal defense attorney, is not properly representing him in his state criminal proceedings. (Dkt. 1). The Court, however, dismissed the complaint because the defendant is not a state actor subject to suit under 42 U.S.C. § 1983, see Polk Co. v. Dodson, 454 U.S. 312, 318, 325 (1981). (Dkt. 9). Plaintiff now seeks relief on his claims and discovery of state court records.

Plaintiff's motions must be denied. First, and most important, they are moot given the Court's dismissal of his complaint. Second, to the extent that Plaintiff seeks reconsideration of the Court's dismissal, he is not entitled to relief. A motion for reconsideration which presents issues already ruled upon by the district court, either expressly or by reasonable implication, will not be granted. See Hence v. Smith, 49 F. Supp. 2d 547, 550-551 (E.D. Mich. 1999). Plaintiff raises such already-decided issues in his motions. The Court properly dismissed the complaint. Plaintiff, seeming to ignore this Court's dismissal altogether, has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must

result from a correction thereof, as required by Local Rule 7.1(h)(3). Accordingly, the Court denies Plaintiff's motions. This case is closed. No further pleadings should be filed in this matter.

SO ORDERED.

Dated: October 30, 2015
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 30, 2015.

s/Karri Sandusky
Case Manager